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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/654,066

09/01/2000

Claus Meder

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03/24/2003

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EXAMINER

FUREMAN, JARED

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,066

Applicant(s)

MEDER, CLAUS

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 12/10/2002, the request for RCE, the extension of time, and the amendment filed on 2/27/2003, all of which have been entered in the file. Claims 2-12 and 14-19 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/2002 has been entered.

Claim Objections

2. Claim 3 is objected to because of the following informalities: Claim 3, line 4: "said predetermined space" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chaintreuil et al (US 6,234,969 B1).

Chaintreuil et al teaches an X-ray examining apparatus and method for controlling an X-ray examining apparatus, comprising: at least one radiation source (X-ray source and detector(s) subsystems 34), at least one radiation detector (X-ray source and detector(s) subsystems 34), a display unit (18'), an operator unit including an identification system (card reader 22'), the operator unit being placed into either a first mode (a mode wherein the MEASURE procedure, among others, is allowed) or second mode (a mode wherein only ON, OPEN, and PREP commands are allowed) of operation depending upon an input from the identification system for controlling the X-ray examining apparatus, wherein the identification system detects a user-specific identification device (card 26', which can be unique to the operator) within a predetermined area (the area of the card reader 22'), such that upon detection of the user-specific identification device the operator unit is placed into the first mode of operation via the input, and upon non-detection of the user-specific identification device in the predetermined area, the operator unit is placed into the second mode of operation via the input (see figures 1-4, column 2 lines 30-44, column 3 lines 15-62, column 5 lines 9-13, column 5 line 30 - column 6 line 64, and column 7 line 28 - column 8 line 32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Chaintreuil et al.

The admitted prior art teaches an X-ray examining apparatus comprising: a monitor for displaying an X-ray image for an operator, an operator unit, the operator unit comprising: an operating field for being manipulated by the operator to operate the operating unit and thereby operate the X-ray examining apparatus and the monitor, and an identification system wherein the operator enters a digital code via the operator panel in order to identify the user (see page 1, lines 3-12, of the specification).

The admitted prior art fails to teach the identification system including an identification means for being carried by the operator and a counterpart device for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with

installation and person-specific data, the counterpart device being integrated into the operating field, the identification device being a non-contacting identification device.

Chaintreuil et al teaches an X-ray examining apparatus, comprising: a monitor (display unit 18') for displaying information for an operator, an operator unit, the operator unit comprising: an operating field (a keypad, buttons, etc.) for being manipulated by the operator to operate the operating unit and thereby operate the X-ray examining apparatus and the monitor, an identification system, the identification system including an identification means (card 26', which can be unique to the operator) for being carried by the operator and a counterpart device (card reader 22') for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode (a mode wherein the MEASURE procedure, among others, is allowed) of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device (a card 26' must be present for the MEASURE procedure to be performed), and for activating the operating unit to a second different mode (a mode wherein only ON, OPEN, and PREP commands are allowed) of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a chip card or a magnetic card (the card can be a smart card or a magnetic stripe card, see column 3 lines 15-20), the counterpart device having a read mode by means

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of which the identification device is read with installation and person-specific data (the card 26' can be unique to an operator and the health care facility (an installation)), the counterpart device being integrated into the operating field the identification means, the identification device can be a non-contact identification device (the card 26' can be a contactless card, see column 7 lines 41-45) (see figures 1-4, column 2 lines 30-44, column 3 lines 15-62, column 5 lines 9-13, column 5 line 30 - column 6 line 64, and column 7 line 28 - column 8 line 32).

In view of Chaintreuil et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus, as taught by the admitted prior art, to include: the identification system including an identification means for being carried by the operator and a counterpart device for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with installation and person-specific data, the counterpart device being integrated into the operating field, the identification

device being a non-contacting identification device, in order to allow a health care facility to benefit from having the full use of an X-ray apparatus without having to buy one and take the risk that the revenue it produces may not justify the cost (see column 2 lines 54-64, of Chaintreuil et al).

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Chaintreuil et al as applied to claim 15 above, and further in view of Davis et al (US 6,088,450, previously cited).

The admitted prior art as modified by Chaintreuil et al fails to teach the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field.

Davis et al teaches an identification system including a card (token 120 which may be an identification badge) and card reader (within computer 110), the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator (the token is worn by the user), the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field (see figure 1, column 2 lines 25-57, column 3 line 52 - column 4 line 28, column 5 lines 24-33, and column 6 line 10 - column 7 line 11).

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Chaintreuil et al, the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field, in order to substantially eliminate the chance of mistakenly leaving the identification device when the user is finished operating the device.

8. Claims 5-7, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Chaintreuil et al as applied to claim 15 above, and further in view of Xydis (US 6,070,240, previously cited) and Davis et al.

The admitted prior art as modified by Chaintreuil et al fails to teach, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the

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identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space.

Xydis teaches an identification system including the use of an identification device which operates without contact, the identification device being a transponder (22) which works together with a counterpart device (transceiver 20) of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area (the operating range of transceiver 20 and transponder 22) proximate to an operating field, an operator unit (computer 12, monitor 14, keyboard 16) being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation (wherein the computer grants access to the user) in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space (the operating range of transceiver 20 and transponder 22) relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode (the computer is

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locked) of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space (see figures 1, 2, column 1 lines 23-63, column 2 line 24 - column 3 line 25, column 3 lines 35-50, column 3 line 62 - column 4 line 17).

In view of Xydis' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by the admitted prior art as modified by Chaintreuil et al, to include: the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the

second different mode of operation in response to the operator moving the identification means away from the predetermined space, in order to provide automatic identification of the operator without requiring the operator to swipe/insert a magnetic card, thus, creating a more efficient system.

The admitted prior art as modified by Chaintreuil et al and Xydis fails to teach that the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field.

The teachings of Davis et al have been discussed above.

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Chaintreuil et al and Xydis, the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field, in order to substantially eliminate the chance of mistakenly leaving the identification device when the user is finished operating the device.

9. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Chaintreuil et al as applied to claims 8 and 15 above, and further in view of Zanchi (US 5,814,798, previously cited).

The admitted prior art as modified by Chaintreuil et al fails to teach a read mode by means of which the identification device is read from and the read data being

recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device.

Zancho teaches an identification system including an identification device (105), wherein there is a read mode by means of which the identification device is read from and read data (preferences) is recorded in various apparatuses (101, 111, 121, 131, 141) and is caused to be combined and stored centrally on the identification device, an individual instrument setting (for example, display attributes) is accomplished by means of the identification device (see figures 1-5, column 2 lines 58-65, and column 3 lines 6-24).

In view of Zancho's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Chaintreuil et al, a read mode by means of which the identification device is read from and the read data being recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device, in order to automatically customize the apparatus to the individual operator, thus alleviating the need for the operator to manually customize the apparatus to their preferences.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Chaintreuil et al in view of Schmitt (US 6,094,589).

The teachings of the admitted prior art as modified by Chaintreuil et al have been discussed above.

The admitted prior art as modified by Chaintreuil et al fails to specifically teach a live scanner being connected upstream from the identification device.

Schmitt teaches an X-ray examining apparatus (see figure 1) that includes a live scanner (detector 7, evaluation unit 8, and memory 10) connected to a control unit (5) (see figures 1, 2, column 1 lines 40-56, and column 2 lines 5-51).

In view of Schmitt's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus as taught by the admitted prior art as modified by Chaintreuil et al, a live scanner being connected upstream from the identification device, in order to further ensure that the X-ray examining apparatus is only authorized by an authorized person (see column 1 lines 40-56, of Schmitt).

Response to Arguments

11. Applicant's arguments with respect to claims 2-12 and 14-19 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Chaintreuil et al teaches an X-ray examining apparatus including an identification means comprising a card and card reader.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmitt (US 6,394,353 B1), Sluis (US 6,506,155 B2), Okuto (JP 4-200449 A) all teach X-ray or ultrasound devices including identification readers.

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Chaco (US 5,291,399) and Bredesen et al (US 3,839,708) both teach medical systems using card based identification/access means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Jared J. Fureman
March 14, 2003